

# **United States Probation and Pretrial Services System**



## **Year-in-Review Report**

**Fiscal Year 2001**

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Fiscal Year 2001

Prepared by the Office of Probation and Pretrial Services,  
Administrative Office of the United States Courts,  
in cooperation with the Chiefs Advisory Group

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## Introduction

Serving 94 judicial districts in 500 locations across the country, the 8,000 men and women of the United States Probation and Pretrial Services System form a vital part of the federal judiciary. Investigation and supervision are the two core responsibilities of United States probation and pretrial services officers. Officers investigate and supervise persons at two pivotal points in the justice process—defendants who are charged with a federal crime and awaiting their day in court and offenders who have been convicted of a federal crime and conditionally released to the community on probation, parole, or supervised release.

This is important work, crucial to the fair administration of justice. Detention or imprisonment is not necessary or appropriate for some individuals charged with or convicted of crime. The system offers an alternative to jail or prison for these persons and also provides the courts with a way to monitor persons who are released to the community after serving time in prison and help them to reintegrate into the community. The system gives the courts the means to allow defendants and offenders to remain in the community, to manage them, and to compel them to remain law abiding.

In carrying out their duties, probation and pretrial services officers provide services that impact the courts, the defendants and offenders who come before the courts, and the public.

**The Courts.** Officers serve as the courts' fact finders. They provide the courts with important information on which the courts rely in making release and sentencing decisions. Officers investigate the backgrounds of defendants and offenders to determine such things as their employment, finances, health, and criminal history and prepare reports to the courts based on these findings. Officers recommend conditions under which the courts may safely release defendants and offenders to the community.

**Defendants and Offenders.** Officers enforce the courts' orders. At the courts' direction, they supervise defendants and offenders by monitoring their activities in the community. During supervision, officers hold defendants and offenders accountable for their actions and responsible for their obligations. Officers work with defendants and offenders to change the behavior that contributed to their criminality and intervene to correct their behavior if necessary. They direct them to court-ordered services—such as substance abuse testing and treatment, mental health treatment, training, or employment assistance—to help them function as responsible members of society.

**The Public.** Officers help ensure public safety and well being. By monitoring the actions and activities of defendants and offenders in the community, officers manage any risk they may pose either to individuals or to the public in general. Supervising defendants and offenders in the community is far less costly than incarcerating them and thus saves taxpayer dollars.

The Office of Probation and Pretrial Services, Administrative Office of the United States Courts, in cooperation with the Chiefs Advisory Group, prepared this year-in-review report. The Chiefs Advisory Group gives advice and assistance to the Office of Probation and Pretrial Services, which oversees and supports the system. The report highlights the system's successes and accomplishments for fiscal year 2001. It presents national statistics and also describes initiatives that affect the entire system. We hope the report gives you an understanding of the system and an appreciation of the role it plays in the justice process.

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# National Statistics

## I. PRETRIAL SERVICES

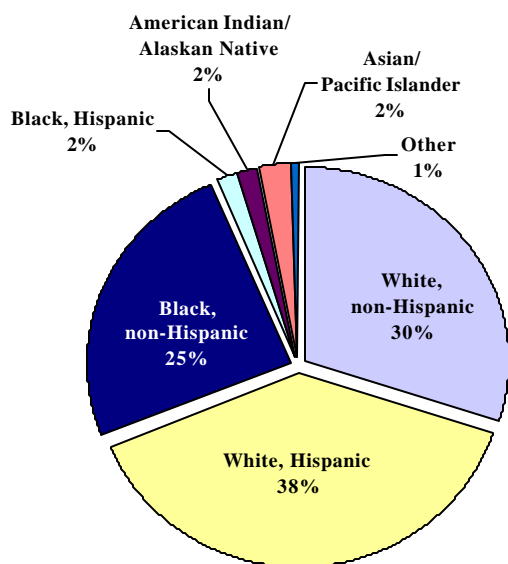
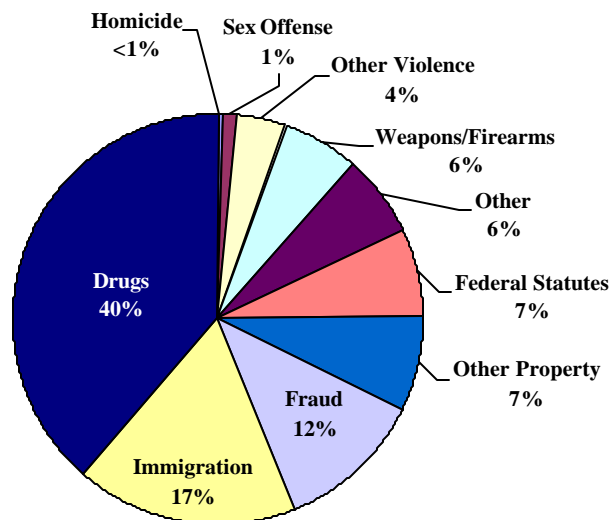
### A. Pretrial Services Case Activations

#### Population Size and Composition

There were 86,140 defendant cases activated during fiscal year 2001. This represents less than a one (1) percent increase over the 85,617 activations during the previous year.

#### *Nature of the Charge*

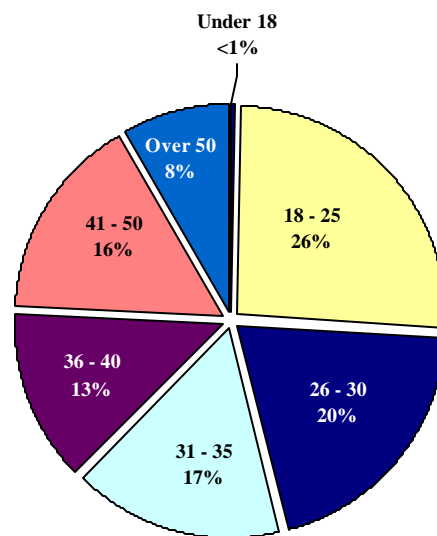
Drug offenses represent the largest single type of charge filed, followed by immigration and fraud. The proportional representation of each charge type is within one percentage point of the charge profile for fiscal year 2000.



#### *Demographics*

The fiscal year 2001 defendant population is 84 percent male—identical to the gender profile in fiscal year 2000. There is also virtually no change in the population's race and ethnicity, with white Hispanics representing the largest single race/ethnicity category.

The plurality of defendants falls into the 18-25 age range, but a quarter are over 40 years old. The age profile is similar to that for fiscal year 2000 except that there were proportionately fewer defendants in the “over 50” group, but more in the 41-50 group.



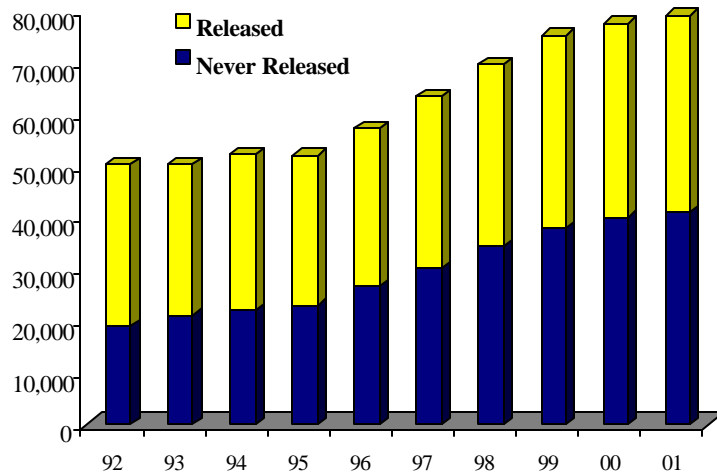
## B. Pretrial Services Supervision

Title 18 § 3142 requires judicial officers to order the release or detention of federal defendants pending trial under circumstances determined to be the least restrictive necessary to reasonably assure that the defendant will appear in court for all further proceedings and not endanger the safety of any other person or the community. Among the release conditions that may be imposed is pretrial services supervision.

### The Supervision Population

During fiscal year 2001, 33,033 defendants were received for pretrial services supervision. An additional 2,049 were placed on pretrial diversion supervision, for a total population of 35,082. This represents a one-and-one-half percent increase over the number received for supervision in fiscal year 2000.

The number of defendants under pretrial services supervision is considerably lower than the number of pretrial case activations because approximately 20 percent of the defendants are released on their personal recognizance (without a condition of pretrial services supervision) and the majority are detained.



Of the 79,129 cases closed during the year, 52 percent were never released at any time between arrest and the conclusion of their cases. This equals the “detained—never released” rate in fiscal year 2000, which was the highest in the last 10 years—the result of a small but steady increase since fiscal year 1992 when the rate was 38 percent.

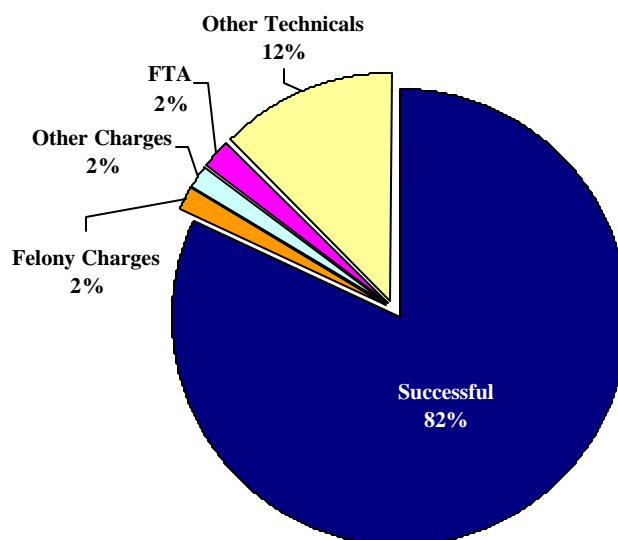
### Other Alternatives to Detention

In addition to pretrial services supervision *per se*, the court may order other release conditions as alternatives to detention that are implemented and monitored by pretrial services officers. By far the most common of these is testing for the use of drugs or alcohol, a condition imposed on 19,434 defendants—over three-quarters of those under supervision during fiscal year 2001. Further, this year 5,841 defendants received substance abuse treatment from local providers under contract to federal probation and pretrial services offices—up seven percent from the previous year. Fewer defendants (1,116) received mental health treatment, but this represents a steep increase of 30 percent over fiscal year 2000. Among the other types of additional release conditions implemented by pretrial services this year were the electronic monitoring of home confinement restrictions imposed on 3,538 defendants and the placement of 1,360 defendants in shelter facilities.

## Pretrial Release Outcomes

In fiscal year 2001, pretrial services closed 38,050 cases involving defendants who had been released to the community.

Of those defendants released pending trial in fiscal year 2001, the large majority (94 percent) appeared in court as required and were not rearrested. Only two (2) percent failed to appear for a court proceeding and two (2) percent each were revoked because they were (a) rearrested for a new felony charge or (b) rearrested for a new misdemeanor. The release of 12 percent of defendants was revoked for “technical” violations of their release conditions. In these cases, the pretrial services officer reported to the court violations of conditions such as home confinement, refraining from drug or alcohol use, and travel conditions.



This distribution of outcomes among closed cases is identical to that in fiscal year 2000.



## II. PROBATION

### A. Presentence Investigations

During fiscal year 2001, probation officers completed 60,987 presentence investigations for the courts, an increase of one (1) percent over the 60,331 reports prepared during fiscal year 2000.

### B. Supervision

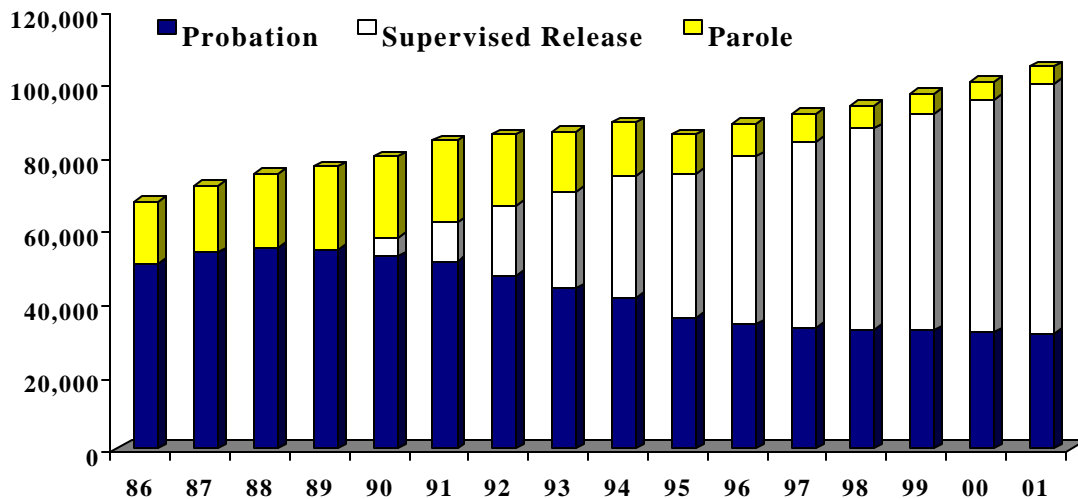
#### Population Size and Composition

Federal probation officers had a total of 146,844 offenders under supervision during the fiscal year. As of September 30, 2001, the population stood at 104,410, an increase of four percent over the end-of-year count in fiscal year 2000.

#### *Type of Supervision*

When compared to last year, the number of supervised releasees—offenders sentenced to a term of supervision to follow a determinate sentence to imprisonment—grew at a rate of seven percent. The parole population declined by 10 percent and the number of probationers remained steady.

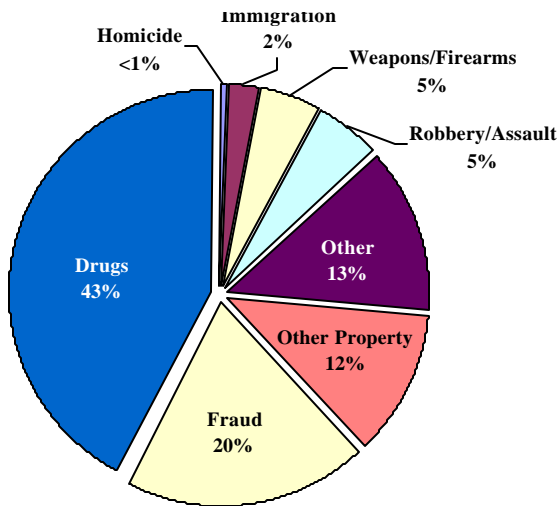
Of the offenders under supervision on the last day of the fiscal year, 66 percent were serving terms of supervised release, 30 percent were sentenced to probation, and 4 percent were on parole. Over the years, the proportion of offenders under supervision who had served time in prison increased from less than one-third in 1986 to almost two-thirds of the population in 2001.



This long-standing trend in the changing nature of the supervision population reflects a combination of full implementation of the Sentencing Reform Act (effective November 1, 1987) and legislation in the mid-1980s that established mandatory minimum prison terms for many drug offenses.<sup>1</sup>

<sup>1</sup> The Sentencing Reform Act (Pub. L. 95-536) created a guidelines-based determinate sentencing system, abolished parole, made probation a sentence in its own right, and created terms of supervised release that could be imposed to follow imprisonment.

### *Nature of the Offense*

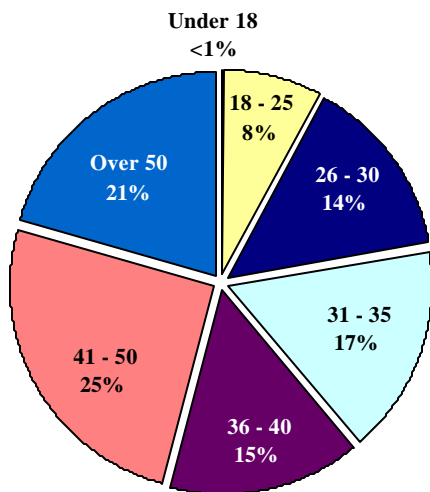
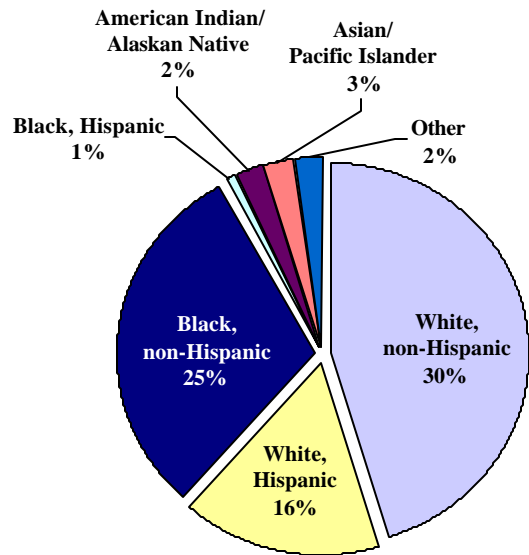


The distribution of offense types in fiscal year 2001 was essentially the same (within one percentage point) as that in 2000. The plurality of offenders committed drug offenses and just under one-third were convicted of fraud or other property crimes. Immigration comprises a significantly smaller proportion of the post-conviction population than the pretrial services population—2 versus 17 percent—because many immigration defendants are deported rather than released to post-conviction supervision.

### *Demographics*

The demographic distribution of offenders under supervision on the last day of fiscal year 2000 is essentially the same (within one percentage point of) as last year's profile.

The offender supervision population is 79 percent male and 46 percent white. Hispanic offenders represent a considerably smaller proportion of this population than of pretrial defendants because they are more likely than non-Hispanics to be charged with immigration offenses and thus more likely to be deported than released to supervision.



Over 45 percent of the offenders under supervision—this year and last—are over the age of 40.

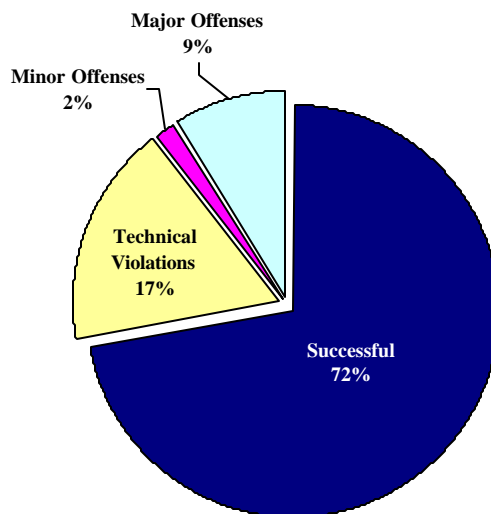
## Treatment Services

*Substance Abuse:* This year, 31,365 offenders—21 percent of the supervision population—received substance abuse treatment from local providers under contract to federal probation offices. Over the last year, the substance abuse treatment population increased by six percent, which was slightly more than the four percent increase for the supervision population as a whole.

*Mental Health:* A total of 7,597 offenders—seven percent of the supervision population—received mental health contract services during the year. Although the mental health population is only one-quarter the size of the substance abuse population, its numbers are growing at a much faster pace, increasing 24 percent over fiscal year 2000 and more than doubling in the last 10 years.

## Supervision Outcomes

In fiscal year 2001, 38,412 offenders were removed from supervision, up two percent from the number removed in fiscal year 2000. Of these, 72 percent successfully terminated supervision, 11 percent were removed from active supervision or revoked due to a new offense,<sup>2</sup> and 17 percent were removed or revoked for a “technical violation” of release conditions such as home confinement, refrain from use of drugs or alcohol, or participate in substance abuse or mental health treatment.



These percentages are identical to those for supervision cases that closed in fiscal year 2000.

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<sup>2</sup> “Minor” offenses represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. “Major” offenses are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.

## National Initiatives

Each of the achievements, activities, or events summarized below brought about system-wide changes and shaped the character of fiscal year 2001. Some are still evolving and can be expected to continue to make an impact in the future.

### *Supervision of Defendants and Offenders*

Along with the responsibility to investigate defendants and offenders for the court, the system's responsibility to supervise these individuals when they are released to the community lies at the very core of probation and pretrial services work. Supervision has changed over the past decade or so—in the type of individuals under supervision, in the needs of persons reentering the community after a period of incarceration, in the demands supervision duties make of officers, and in the supervision tools and techniques available to officers. The system's on-going focus on supervision is a way to make sure that policy and practice in this crucial area continue to address the needs of both the court and the persons under supervision. The following are supervision accomplishments worth noting for fiscal year 2001:

- The Director of the Administrative Office of the United States Courts appointed a work group of chiefs, supervisors, and other experts from the courts to take on the challenging task of updating the system's supervision policy—both pretrial and post-conviction supervision. The group's goal is to develop a strategic plan to update and improve supervision policy and to revise the policy publications that guide the system's supervision work. Among the group's tasks will be to define what good supervision is, to clarify the roles of officers who perform supervision and of the managers who oversee supervision work, and to decide what supervision training the system needs. In fiscal year 2001, the group developed a model policy for managing offender noncompliance with conditions of release.
- A new national award was established to emphasize the system's role in providing community-based criminal justice solutions. The Make-A-Difference Award is designed to highlight how good supervision can bring about positive change in the lives of defendants and offenders. The award is given to an officer or a team of officers for work on a specific case. The defendant or offender under supervision must have presented moderate to significant difficulties at the start of supervision, shown a positive change in behavior during the course of supervision, and successfully completed the term of supervision. The award acknowledges the positive results officers achieve with careful planning, diligent monitoring, and appropriate use of interventions.

### *Officer Safety and Integrity*

Two of the system's cornerstones—safety and integrity—received significant attention during fiscal year 2001. Officer safety has always been of paramount concern. The current focus on safety is to provide officers with the necessary tools—through improved officer safety training—to equip them to do their jobs well and stay safe in the process. The purpose in taking a look at officer integrity was to bring the system's requirements for officers more in line with those for officers in other federal law enforcement positions. Although the system has long had in place

some requirements (for instance, educational requirements, age restrictions, and pre-employment background investigations), the time was right to take a few additional steps to ensure that the officer workforce remains strong, reliable, and above approach. In that officers have access to sensitive information, carry firearms, and supervise persons charged with or convicted of serious crimes, such a move was prudent. The following initiatives have helped strengthened the two important areas of safety and integrity:

- To equip officers with the knowledge and skills that will help ensure their protection in any situation, the Director of the Administrative Office of the United States Courts appointed a work group of subject-matter experts from probation and pretrial services offices around the country to develop a comprehensive officer safety program. The group's mandate is to devise a national program that builds upon the safety training that districts currently provide. The goal is to give officers and officer assistants consistent training in such areas as threat awareness, threat identification, and threat management. In fiscal year 2001, the group developed the content for the program and pilot tested some of the training.
- To ensure that the system maintains the confidence of the courts, other agencies, and the public and that officers and officer assistants stay qualified and capable of doing their jobs, the system instituted a new program to require these employees to undergo background reinvestigations every five years. The reinvestigations are in addition to the initial investigations conducted pre-employment. The reinvestigations, which are conducted by the Office of Personnel Management, include personal interviews with the subjects, law enforcement and financial checks, and contacts with references.
- Underscoring the judiciary's commitment to maintain a drug-free workplace, a probation and pretrial services workplace drug testing program began operating in fiscal year 2001. The program, which requires that all officers and officer assistants be subject to drug testing for controlled substances, provides for both pre-employment and random testing. In fiscal year 2001, more than 700 tests were conducted, only one of which—a pre-employment test—showed a positive result.
- To ensure consistency in the weapons officers are carrying in the performance of their duties, the system began a transition to the semi-automatic pistol as the authorized firearm. These weapons are judiciary owned and issued. The firearm selected is the one currently preferred by most law enforcement agencies. Transition training began for officers who serve as firearms instructors for the system, with instructors from 32 districts completing training in fiscal year 2001.

### ***Strategic Assessment of the System***

A strategic assessment of the probation and pretrial services system progressed through the first of three phases in fiscal year 2001. The purpose of this study is to assess the future mission and needs of the system. The assessment, which is being conducted by an independent consultant, is part of a broader judiciary-wide initiative to study the effect on the judiciary of new responsibilities and organizational changes over the past several years. The assessment will consider all aspects of the system's operations—organizational, administrative, managerial, and programmatic—and identify what the system does well, what requires improvement, and what promotes or impedes the system's delivery of quality service. Roundtable discussions, site visits, and surveys are among the techniques the assessment team is using to gather the perspectives of

probation and pretrial services staff, district judges, magistrate judges, attorneys, and other stakeholders within and outside the judiciary.

### ***Technology***

Making useful information quickly and easily accessible to officers was the goal that spurred the development of a new data system introduced in fiscal year 2001. The system—Probation and Pretrial Services Automated Case Tracking System-Electronic Case Management (PACTS<sup>ECM</sup>)—is a user-friendly case tracking and case management tool designed to help officers do their jobs more efficiently and effectively. Among the many features of PACTS<sup>ECM</sup> is the ability to electronically generate, store, and retrieve all investigation and supervision case information. It provides electronic imaging of defendants and offenders, their homes, vehicles, tattoos, and other useful images. PACTS<sup>ECM</sup> also interfaces with other databases officers use in their day-to-day work. Version 1 of the system successfully completed its independent test and was distributed to a “first wave” of 14 districts during fiscal year 2001.

### ***September 11, 2001***

The probation and pretrial services offices in the Southern District of New York at Manhattan, located just a few blocks from the World Trade Center, were shut down for days after the September 11 terrorist attacks. Colleagues from elsewhere in the district and from neighboring districts pitched in to keep operations going by providing office space and telephones, running background and record checks, and conducting other business. Critical incident stress management teams from probation offices in other districts hurried to New York City to provide support. In spite of enormous upheaval, officers in New York City stayed on the job and—with the help of laptops, cell phones, and personal digital assistants—continued to provide service to the court and to supervise defendants and offenders in the community. Also, chiefs across the country asked their officers to try to recall any open or closed cases that might yield information of use to the FBI in tracking down the terrorists or their accomplices. They reviewed the names on the FBI “watch list” to see if names matched. As a result, several districts were able to provide the FBI with potentially helpful information.

# **United States Probation and Pretrial Services System At a Glance**

## ***Statutory Authority***

- The Federal Probation Act of 1925 (18 U.S.C. § 3651) gave the federal courts the power to place persons on probation under such terms and conditions as deemed best by the court.
- 18 U.S.C. § 3655 authorized probation officers to serve as parole officers and provide supervision to persons under the jurisdiction of the United States Parole Commission.
- The Pretrial Services Act of 1982 (18 U.S.C. § 3152) authorized implementation of pretrial services nationwide.
- The Sentencing Reform Act of 1984 (18 U.S.C. § 3583) established terms of supervised release to follow imprisonment sentences.

## ***Who we are***

- Part of the federal judiciary, serving 94 federal judicial districts nationwide.
- A key player in the federal criminal justice process.
- 8,000 employees—officers and support employees—in 500 locations across the country.

## ***How we are administered***

- Locally – Chief probation officers and chief pretrial services officers are responsible for administering the system and answer to the courts they serve.
- Nationally – The Administrative Office of the United States Courts, under the guidance of the Judicial Conference of the United States, oversees and supports the system. The Administrative Office's Office of Probation and Pretrial Services, with a staff of 40, provides this oversight and support.